

# COHEN & GREEN

November 19, 2020

The Honorable Richard J. Sullivan  
United States District Judge  
United States District Court for the Southern District of New York  
500 Pearl St. New York, N.Y. 10007

By Electronic Filing.

**Re: Hayden v. City of New York, et al., 17-cv-1894 (RJS)**

Dear Judge Sullivan:

My firm, with other counsel, represents Mr. Hayden in the matter named above. I write jointly with Elissa Fudim as counsel for defendants as directed by the Court (ECF No. 99).

Defendants and their counsel are available for trial the proposed weeks of February 16, February 21, March 18, and March 22. Defendants and their counsel are not available the weeks of April 12 and April 19.<sup>1</sup> The week of April 5 is not ideal for defendants' counsel but they could potentially make it work, were it convenient for everyone else. However, unfortunately, none of the proposed dates work for plaintiff's counsel.

In the interest of providing full information, we detail our conflicts. Initially, David Rankin, who is scheduled to be lead counsel at trial, will be on paternity leave during the month of February and into March of 2021. As to the other dates:

- March 18, 2021: Plaintiffs' counsel has a trial on deck in White Plains, in the matter of *Thomas v. McManus*, 17-cv-04025 (SDNY), the court and the parties have requested the last week of March for trial and the scheduling committee has yet to return a date.
- March 22, 2021: Plaintiffs' counsel has a trial on deck in White Plains, in the matter of *Thomas v. McManus*, 17-cv-04025 (SDNY).
- April 5, 2021: Plaintiffs' counsel has a trial on deck in White Plains, in the matter of *Thomas v. McManus*, 17-cv-04025 (SDNY).
- April 12, 2021: Plaintiffs' counsel has trial, *Davis v. DOCCS* 17-cv-503 (NDNY), which is attempting to be scheduled to on that date but given the proximity to the conclusion of the *Thomas* trial, Mr. Rankin is attempting to move this trial into late May or June.

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<sup>1</sup> The attorney who will be joining Ms. Fudim as trial counsel in this matter is Joshua Lax (he will be filing a separate notice of appearance). Mr. Lax currently has a trial scheduled for May 3, 2021 in the case of Kareem Bellamy v. City of N.Y., et al, 12-CV-1025 (AMD). Bellamy is a reverse conviction case with Monell claims, and is anticipated to last at least two weeks. Accordingly, the preparation for Bellamy will render Mr. Lax unavailable the weeks of April 12 and April 19.



- April 19, 2021: Plaintiffs' counsel has trial which is attempting to be scheduled to begin in April in the matter of *Davis v. DOCCS* (NDNY).

Plaintiff's counsel also have several other trials scheduled for May, June, and July, and the pandemic makes such scheduling all the more difficult.

Plaintiff's counsel are available in the first week of August, or the second week of September provided we do not have to conduct proceedings the day of Yom Kippur (or any time thereafter). Defendants are unavailable in the first week of August, but state that the second week of September works (again, provided there are no proceedings on Yom Kippur). We thank the Court for its attention to this matter.

Respectfully submitted,

/s/

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J. Remy Green

*Honorific/Pronouns: Mx., they/their/them*

**COHEN&GREEN P.L.L.C.**

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cc:

All relevant parties by ECF.